

FILED 7 APR '22 10:18USDC-ORP

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE STATE OF OREGON

JOSEPH EUGENE ALLEN

Plaintiff,

v.

CHAPLAIN THOMPSON

CHAPLAIN STALHNECKER

CORRECTIONAL OFFICER STEWART

Defendants.

) District Case No. 6:22-cv-00542-YY  
)  
)  
) CLASS ACTION ALLEGATION  
) VERIFIED COMPLAINT  
)  
)  
)  
)  
)  
)

I.

A. Have you brought any other action or appeal in a court of the United States while a prisoner?

II.

A. Place of confinement: Oregon State Penitentiary, 2605 State St., Salem, OR. 97301

B. Is there a prisoner grievance procedure in this institution?

Yes

C. Have you filed a grievance concerning the facts relating to this complaint?

Yes

If your answer is no, explain why not:

This action is not related to this institution

### III. PARTIES

A. Name of Plaintiff:

Security Identification No.

Address: OSP, 2605 State St., Salem, OR. 97301

Defendants:

#### PLAINTIFF

*Pro se* Plaintiff, is and was at all times mentioned herein a prisoner at Oregon State Penitentiary, located at: 2605 State St., Salem, OR 97310.

#### DEFENDANTS:

Defendant, Dennis Stahlnecker is a Chaplain of the O.S.P. Located at: 2605 State St., Salem, OR 97310

Defendant, Karuna Thompson is a Chaplain of the O.S.P. Located at: 2605 State St., Salem, OR 97310

Defendant, Correctional Officer Stewart is a Correctional Officer of the O.S.P. Located at: 2605 State St., Salem, OR 97310

They are being sued in their individual capacity.

## CLAIM 1

The following civil right has been violated:

## CLASS ACTION ALLEGATION

I'm suing Chaplain Dennis Stalhnecker and Kuruna Thompson in their individual capacity in a Class Action Claim for violating my and every NOI's AIC's 1<sup>st</sup> Amendment Establishment Clause Right was violated by them when they canceled the Friday Obligatory Congregational Nation of Islam Congregational Jumma Prayer Service from January 3<sup>rd</sup>, 2020, through April 3<sup>rd</sup>, 2020. Our Right to attend the NOI Service without any Chaplin being Hostile towards our Religion by canceling the Service for 90 days was clearly established.

- 1) On January 23<sup>rd</sup>, 2020, I filed a grievance against Stalhnecker and Thompson for canceling the January 10<sup>th</sup> 2020, Friday Jumma Congregational Prayer Service.
- 2) On February 6<sup>th</sup>, 2020, I filed a grievance against Stalhnecker and Thompson for canceling the January 24<sup>th</sup>, 2020, Friday Jumma Congregational Prayer Service.
- 3) In their February 21<sup>st</sup>, 2020, grievance response they said the following (Exhibit 1):

“On December 31<sup>st</sup>, due to noise issues of disrespectful language at a high volume continuing from August of 2019 through December 2019 the Nation Of Islam group was suspended due to safety and security concerns. Because this was a group issue and not the behavior of a single individual the whole group was suspended.”

- 4) Their above reason is false where it stems from their false allegations that *Dameion Douglas* was being loud and using vulgar language while he and another AIC was entering the room where Jumma is held on October 18<sup>th</sup>, 2019. I'm a witness to the fact that when he entered into the room, on said date, I and two other AIC's were already in the room and he was by himself when he entered into the room and was not talking loud or using vulgar language. It is a sin to curse during any Muslim Jumma Congregational Prayer Service and he has never cursed or used loud language during any Jumma Services. More importantly, they lied when they accused the next door United Pentecostal Church (UPC) volunteer Doug Lethin of “politely” coming over and asking anyone in the NOI Jumma Service, to “please be quiet” on said date or any other date (Exhibit 2):

“On October 18<sup>th</sup> at some time after 1300 hrs, Mr. Douglas and one other Adult in Custody went into their assigned room to do their Jumma Prayer. They were the only people in the room. Mr. Douglas and the other AIC were being very loud and using vulgar language as they went into their room. The volunteer in the room next door went to the room and politely asked Mr. Douglas and the other AIC to please be quiet. It should be mentioned this has happened many times in the past

on numerous occasions, and Mr. Douglas was warned about extreme noise. On this occasion, Chaplain Thompson saw what happened, and told Mr. Douglas and the other AIC that they had 15 minutes to complete their prayer time. It should be mentioned that they were given more than 15 minute to read their sermon before I (Chaplain Stahlnecker) let them know their time was up. If Mr. Douglas continues to be loud and disruptive in his Chapel service, he will be escorted out of the Chapel area."

- 5) On January 27<sup>th</sup>, 2020, Doug Lethin a letter vehemently denying their false allegations evidence that he politely asked anyone to be please quiet (Exhibit 3):

"First let me say, I couldn't have been written a letter by a nicer person that I have known as a casual acquaintance. I received your letter yesterday. When I saw the letter was from OSP I didn't recognize the name. A picture speaks a thousand words though and I would recognize you anywhere. I will commit your name to memory, certainly your last name shouldn't be too difficult! There is certainly a misunderstanding, and I will do what I am able. If anything, I was concerned that I was the one that was loud. I've always greeted you and those that meet next to our service with the utmost respect and consideration. As we share a room separated by a folding wall, I know our exuberance can be heard as well and I don't want to disrespect your time of meeting. Chaplain Dennis is my direct supervisor over our service time and schedule, and when our Primary volunteer, Toomey Hoover, is not able to make the service, Toomey will ask me to fill in. In reviewing my calendar, I was at OSP on October 18, 2019, and filling in for Toomey Hoover. I haven't ever had to ask you or your group to be quiet, in fact, as stated I make it my duty out of respect to greet and request your consideration if I am getting too loud. I don't recall anything out of the ordinary that day and I certainly didn't have to request you or your group to be quiet. In consideration, there may have been an oversight or a misunderstanding by the Chaplain(s). If someone saw me entering the room, then it was from my typical routine when at OSP to meet and greet the group next door. I do know Chaplains are very supportive of our volunteers and programs. Though our interaction is due to our association with the same service time you always welcomed me and in my intrusion to say hi and greet you and the others. With Great Respect and Prayer for a speedy resolution to the matter at hand."

- 6) The above violates the following Court rulings: The United States Supreme Court in *Cutter v. Wilkinson*, 544 U.S. 709 (2005), held: "[T]he 'exercise of religion' often involves not only belief and profession but the performance of . . . physical acts [such as] assembling with others for a worship service ..." Id. 720. The Ninth Circuit in *Greene v. Solano County Jail*, 513 F.3d 982 (9th Cir.2008), held: "[J]ail's policy of prohibiting...a maximum security prisoner, from attending group religious worship services substantially burdened his ability to exercise his



religion.” Id. 988; “[B]an on group worship substantially burdened inmate's religious exercise and noting that, "It is difficult to imagine a burden more substantial than banning an individual from engaging in a specific religious practice” Id.

7) Their actions in closing the NOI Friday Prayer Service did not impact any individual because it impacted me and everyone attending the NOI Service. Thus, I'm suing them pursuant to FRCP 23 because the Class is so numerous that joinder is impractical; and there are questions of law or fact common to the class; the claims or defenses of the representative parties are typical of the claims or defenses of the entire class; and I am fairly and adequately able to protect the interest of the class, and if I feel i cannot do such I will be requesting representation of suitable counsel.

#### CLAIM 1a

I'm suing Chaplain Dennis Stalhnecker and Kuruna Thompson in their individual capacity for violating my 1<sup>st</sup> Amendment Establishment Clause Right was violated by Stalhnecker when they canceled the Friday Obligatory Congregational Nation of Islam Congregational Jumma Prayer Service from January 3<sup>rd</sup>, 2020, through April 3<sup>rd</sup>, 2020. My Right to attend the NOI Service without any Chaplin being Hostile towards my Religion by canceling the Service for 90 days was clearly established.

1) I am re-alleging and incorporate paragraphs 1-6 from Claim 1 by reference to this Claim.

#### CLAIM 2

The following civil right has been violated:

#### CLASS ACTION ALLEGATION

I'm suing Dennis Stalhnecker and Kuruna Thompson in their individual capacity in a Class Action Claim for violating my and every NOI's AIC's 14<sup>th</sup> Amendment Equal Protection Rights when they blocked our Right to Worship and Practice our Religion when they canceled the Friday Obligatory Congregational Nation of Islam Jumma Prayer Service from January 3<sup>rd</sup>, 2020, through April 3<sup>rd</sup>, 2020. Our Right to receive Equal Treatment while attending the NOI Service like those who are practicing other Faiths was clearly established.

1) I am re-alleging and incorporate paragraphs 1-6 from Claim 1 by reference to this Claim.

2) This Court in Am. Humanist Ass'n. v. United States, 63 F.Supp.3d 1274 (D. Or. 2014), held:

“Allowing followers of other faiths to join religious group meetings while denying [plaintiff] the same privilege is discrimination on the basis of religion.

Therefore, the court finds that plaintiffs have alleged sufficient facts to state an equal protection claim for relief that is plausible on its face." Id. 1284

#### CLAIM 2a

The following civil right has been violated:

I'm suing Dennis Stalhnecker and Kuruna Thompson in their individual capacity for violating 14<sup>th</sup> Amendment Equal Protection Rights when they blocked my Right to Worship and Practice my Religion when they canceled the Friday Obligatory Congregational Nation of Islam Jumma Prayer Service from January 3<sup>rd</sup>, 2020, through April 3<sup>rd</sup>, 2020. My Right to receive Equal Treatment while attending the NOI Service like those who are practicing other Faiths was clearly established.

- 1) I am re-alleging and incorporate paragraphs 1-6 from Claim 1, and paragraph 2 from Claim 2 by reference to this Claim.

#### CLAIM 3

The following civil right has been violated:

#### CLASS ACTION ALLEGATION

I'm suing Dennis Stalhnecker and Kuruna Thompson in their individual capacity in a Class Action Claim for violating my and every NOI's AIC's 1<sup>st</sup> Amendment Right to be Free to Exercise our Religion when they blocked our Right to Worship and Practice our Religion when they canceled the Friday Obligatory Congregational Nation of Islam Jumma Prayer Service from January 3<sup>rd</sup>, 2020, through April 3<sup>rd</sup>, 2020. Our Right to attend the NOI Prayer Service without them Disrespecting, Interfering, and canceling it for 90 days was clearly established.

- 1) I am re-alleging and incorporate paragraph 1-6 from Claim 1 by reference to this Claim.
- 2) The U.S Supreme Court in Cutter v. Wilkinson, 544 U.S 709, (2005), ruled that the Free Exercise Clause of the First Amendment "requires government respect for, and noninterference with, the religious beliefs and practices of our Nation's people" Id. 719.

#### CLAIM 3a

The following civil right has been violated:

I'm suing Dennis Stalhnecker and Kuruna Thompson in their individual capacity for violating my 1<sup>st</sup> Amendment Right to be Free to Exercise my Religion when they blocked my Right to Worship and Practice my Religion when they canceled the Friday Obligatory Congregational Nation of Islam Jumma Prayer Service from January 3<sup>rd</sup>, 2020, through April 3<sup>rd</sup>, 2020, my Right to attend the NOI Prayer Service without them Disrespecting, Interfering, and canceling it for 90 days was clearly established.

- 1) I am re-alleging and incorporate paragraph 1-6 from Claim 1, and paragraph 2 from Claim 3 by reference to this Claim.

#### CLAIM 4

The following civil right has been violated:

#### CLASS ACTION ALLEGATION

I'm suing Correctional Officer Stewart in his individual capacity in a Class Action Claim for violating my and every NOI AIC's 1<sup>st</sup> Amendment Freedom to Exercise our Religion when he knowingly and arbitrarily denied our Access to the NOI Religious Materials that are stored in the NOI Religious Material Storage Closet by refusing to open the NOI Religious Material Storage Closet during the Friday NOI Jumma Prayer Services beginning April 3<sup>rd</sup>, 2020, through July 2020, like he opened the Sunni Muslim Religious Material Storage Closet allowing the Sunni Muslim brothers access to their Religious Materials during said time. The NOI and Sunni Friday Jumma Prayer Services occur on the same day, i.e Friday, and time, i.e 1:00pm, and our respective Closets are next to each other.

- 1) On April 23<sup>rd</sup>, 2020, I filed a 1 page grievance against C/O Stewart for refusing to open the NOI Religious Material Closet on April 10<sup>th</sup>, 2020, and April 17<sup>th</sup>, 2020, during the NOI Friday Jumma Congregational Prayer Service were I said in part (Exhibit4):

“Every since our ninety day suspension has been up we've been treated with restrictions that weren't sanctioned by the Administration.”

- 2) The above conduct violates the 1<sup>st</sup> Amendment pursuant to the Ninth Circuit's case of *Florer v. Congregation Pidyon Shevuyim, N.A.*, 639 F.3d 916 (9th Cir. 2011) where the Court held found a substantial burden in violation of the 1<sup>st</sup> Amendment where whenever the government "block[s] [the adherent] from obtaining religious materials..." Id. 923. Furthermore, the U.S Supreme Court in *Cutter v. Wilkinson*, 544 U.S 709, (2005), ruled that the Free Exercise Clause of the First Amendment "requires government respect for, and noninterference with, the religious beliefs and practices of our Nation's people" Id. 719.

- 3) On April 28<sup>th</sup>, 2020, grievance coordinator Kidwell improperly screened it by denying it falsely alleging that the Chapel was closed during said time and that said conduct was not grievable (Exhibit 5). See this Court's ruling in *Galligar v. Nooth*, 2:12-cv-01891-PK, 2014 WL 4792924, at \*8 (D. Or. July 29, 2014) ("However, since the defendants admit that Rule 291-109-0140(3)(e) is applied to effectively preclude grieving such conduct, they have not carried their burden of proving that [prisoner] failed to exhaust his available administrative remedies.")



4) Sunni Muslim Micus Ward wrote a August 19<sup>th</sup>, 2020, Declaration swearing that since the NOI Service has been active since April 3<sup>rd</sup>, 2020, after the 90 day cancellation from January 3<sup>rd</sup>, 2020, through April 3<sup>rd</sup>, 2020, the NOI Closet has not been opened (Micus Ward's August 19<sup>th</sup>, 2020, Declaration Exhibit 6).

5) Brother Justin Steward's October 26<sup>th</sup>, 2020, Declaration proves the above violation impacted other AIC's Access to the NOI Religious Materials in the NOI Closet (Exhibit 7).

#### CLAIM 4a

The following civil right has been violated:

I'm suing Correctional Officer Stewart in his individual capacity in a Class Action Claim for violating my and every NOI AIC's 1<sup>st</sup> Amendment Freedom to Exercise my Religion when he knowingly and arbitrarily denied my Access to the NOI Religious Materials that are stored in the NOI Religious Material Storage Closet by refusing to open the NOI Religious Material Storage Closet during the Friday NOI Jumma Prayer Services beginning April 3<sup>rd</sup>, 2020, through July 2020, like he opened the Sunni Muslim Religious Material Storage Closet allowing the Sunni Muslim brothers access to their Religious Materials during said time. The NOI and Sunni Friday Jumma Prayer Services occur on the same day, i.e Friday, and time, i.e 1:00pm, and our respective Closets are next to each other.

1) I am re-alleging and incorporate paragraph 1-5 from Claim 4 to this Claim.

#### CLAIM 5

The following civil right has been violated:

I'm suing Correctional Officer Stewart in his individual capacity for violating my 1<sup>st</sup> Amendment Establishment Clause Rights when he knowingly and arbitrarily denied my Access to the NOI Religious Materials that are stored in the NOI Religious Material Storage Closet by refusing to open the NOI Religious Material Storage Closet during the Friday NOI Jumma Prayer Services beginning April 3<sup>rd</sup>, 2020, through July 2020, like he opened the Sunni Muslim Religious Material Storage Closet allowing the Sunni Muslim brothers access to their Religious Materials during said time. Both the NOI and Sunni Friday Jumma Prayer Services occur on the same day, i.e Friday, and time, i.e 1:00pm, and our respective Closets are next to each other.

1) I am re-alleging and incorporate paragraphs 1-5 from Claim 4 by reference to this Claim.

2) The Establishment Clause, states that "Congress shall make no law respecting an establishment of religion." U.S. Const. amend. I. The clause "means at least 'that [n]either a state nor the Federal Government ... can pass laws which aid one religion, aid all religions, or prefer one religion over another.'" *Hartmann v. California Dep't of Corr. & Rehab.*, 707 F.3d 1114,



1125 (9th Cir.2013). Prohibited government action includes that which "foster[s] a pervasive bias or hostility to religion, which could undermine the very neutrality the Establishment Clause requires." Rosenberger v. Rector & Visitors of Univ. of Virginia, 515 U.S. 819, 845-46 (1995); see also Board of Ed. of Westside Community Schools (Dist. 66) v. Mergens, 496 U.S. 226, 248 (1990) (government action must demonstrate neutrality toward religion, not "hostility toward religion."). This Court in Am. Humanist Ass'n. United States, 63 F.Supp.3d 1274 (D. Or. 2014), stated in relevant part: "[T]he Establishment Clause may be violated even without a substantial burden on religious practice." Id 1285.

#### CLAIM 5a

The following civil right has been violated:

#### CLASS ACTION ALLEGATION

On be-half of the NOI's AIC's in OSP I'm suing Correctional Officer Stewart in his individual capacity in a Class Action Claim for violating my and every NOI AIC's 1<sup>st</sup> Amendment Establishment Clause Rights when he knowingly and arbitrarily denied my and every NOI AIC's Access to the NOI Religious Materials that are stored in the NOI Religious Material Storage Closet by refusing to open the NOI Religious Material Storage Closet during the Friday NOI Jumma Prayer Services beginning April 3<sup>rd</sup>, 2020, through July 2020, like he opened the Sunni Muslim Religious Material Storage Closet allowing the Sunni Muslim brothers access to their Religious Materials during said time. Both the NOI and Sunni Friday Jumma Prayer Services occur on the same day, i.e Friday, and time, i.e 1:00pm, and our respective Closets are next to each other.

1) I am re-alleging and incorporate paragraphs 1-5 from Claim 4, and paragraph 2 from Claim 5 by reference to this Claim.

#### CLAIM 6

The following civil right has been violated:

#### CLASS ACTION ALLEGATION

I'm suing Correctional Officer Stewart in his individual capacity in a Class Action Claim for violating my and every NOI AIC's for violating my 14<sup>th</sup> Amendment Equal Protection Rights when he knowingly and arbitrarily denied my and every NOI AIC's Access to the NOI Religious Materials that are stored in the NOI Religious Material Storage Closet by refusing to open the NOI Religious Material Storage Closet during the Friday NOI Jumma Prayer Services beginning April 3<sup>rd</sup>, 2020, through July 2020, like he opened the Sunni Muslim Religious Material Storage Closet allowing the Sunni Muslim brothers access to their Religious Materials during said time. Both the NOI and Sunni Friday Jumma Prayer Services occur on the same day, i.e Friday, and time, i.e 1:00pm, and our respective Closets are next to each other.

- 1) I am re-alleging and incorporate paragraphs 1-5 from Claim 4 by reference to this Claim.
- 2) The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides in part: "... nor shall any State ... deny to any person within its jurisdiction the equal protection of the laws." A prisoner is entitled to "a reasonable opportunity of pursuing his faith comparable to the opportunity afforded fellow prisoners who adhere to conventional religious precepts." *Shakur v. Schriro*, 514 F.3d 878, 891 (9th Cir. 2008) (quoting *Cruz v. Beto*, 405 U.S. 319, 321-322, (1972)).

## CLAIM 6a

The following civil right has been violated:

I'm suing Correctional Officer Stewart in his individual capacity for violating my 14<sup>th</sup> Amendment Equal Protection Rights when he knowingly and arbitrarily denied my Access to the NOI Religious Materials that are stored in the NOI Religious Material Storage Closet by refusing to open the NOI Religious Material Storage Closet during the Friday NOI Jumma Prayer Services beginning April 3<sup>rd</sup>, 2020, through July 2020, like he opened the Sunni Muslim Religious Material Storage Closet allowing the Sunni Muslim brothers access to their Religious Materials during said time. Both the NOI and Sunni Friday Jumma Prayer Services occur on the same day, i.e Friday, and time, i.e 1:00pm, and our respective Closets are next to each other.

ATCS who are apart of this class action can be determined by the ACC's who attend the Friday N.O.I. Prayer Service (Exhibit B) FRCP RULE 23(a)(1), "Class must be so numerous that joinder of all class members is impracticable." 23(a)(2) "There must be questions of law or fact common to the class members on you." Failure to open the N.O.I. Rel. Clos. during the N.O.I. Congregation Prayer Service is a common issue which violate Civil Rights. Thus the aforementioned also satisfy the "typicality" requirement in FRCP (A)(3) because the claims of the Plaintiff has a common element of fact and law, because the claim arise from the same Unconstitutional conduct that gives rise to the claims of the prepared class members. 23(d)(4) The representative parties must fairly and adequately protect the interest of the class is satisfied where plaintiff and even B.I.C. who attends the N.O.I. Prayer Services has common interests and will vigorously prosecute the interest of the class through qualified counsel operated by the court.

This Litigation Satisfies FRCP 23(b)(1) because permitting separate actions involving class members risk inconsistent or contrary adjudications.

This Litigation satisfies FRCP 23(b)(1) because common questions predominate over questions affecting individuals and a class action is superior to individual lawsuits.

Damages Chaplin Thompson 400,000 each class member  
 Chaplin Salmecker 200,000 each class member  
 C.B. STEWART 20,000 each class member

**"I HEREBY DECLARE THAT THE ABOVE STATEMENTS IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."**

Dated this 1<sup>st</sup> day of April 2020.

Respectfully Submitted

*Joseph Eugene Allen*

Exhibit  
1

## GRIEVANCE RESPONSE FORM

TO BE FILLED OUT BY STAFF

Grievance: #OSP\_2020\_01\_039

TO: Allen, Joseph 16202876  
 Name of grievant SID #

FROM: Karuna Thompson & Dennis Stahlnecker Chaplains  
 Name of respondent Title

List, in detail, action(s) taken. (What action was taken? Was the action what the inmate requested? If not, why? Who took the action? When was the action taken – date/time?)

On December 31<sup>st</sup>, due to noise issues and issues of disrespectful language at a high volume continuing from August of 2019 through December of 2019 the Nation of Islam group was suspended due to safety and security concerns. Because this was a group issue and not the behavior of a single individual the whole group was suspended. During the suspension each individual on the roster is being sent the weekly khutba (prayer) and is being provided opportunity to shower at mid-day before they say their prayers. The only suspension is the corporate prayer that has caused continuous disturbance. It is our intention to provide the least restrictive means of practice for members of this community that adhere to the safe and secure operations of our area. Attached please find a copy of the memo sent to all men on the roster.

Do not type past this line

2/21/20  
 Date:

*Dennis Stahl*  
 Signature of Staff Member

Receiving Facility (if not processing facility)	Received at Processing Facility	Sent to Inmate SENT
Date Stamp	Date Stamp	MAR 06 2020 Date Stamp

Stuart Young  
 Signature of Supervisor (Print/Sign)

Distribution:  
 White (Original grievance response form)



~~EXHIBIT 1~~  
**GRIEVANCE RESPONSE FORM**

Exhibit  
2

**TO BE FILLED OUT BY STAFF****Grievance #: OSP-2019-11-002**

**TO:** Douglas, Damien 10131425  
Name of grievant SID #

**FROM:** Chaplain Stahlnecker Chaplain  
Name of respondent Title

List, in detail, action(s) taken. (What action was taken? Was the action what the inmate requested? If not, why? Who took the action? When was the action taken -- date/time?)

On October 18<sup>th</sup> at some time after 1300 hrs, Mr. Douglas and one other Adult in custody went into their assigned room to do their Jumma Prayer. They were the only people in this room. Mr. Douglas and the other AIC were being very loud and using vulgar language as they went into their room. The volunteer in the room next door went to the room and politely asked Mr. Douglas and the other AIC to please be quiet. It should be mentioned this has happened many times in the past on numerous occasions, and Mr. Douglas was warned about extreme noise. On this occasion, Chaplain Thompson saw what happened, and told Mr. Douglas and the other AIC that they had 15 minutes to complete their prayer time. It should be mentioned that they were actually given more than 15 minutes to read their sermon before I (Chaplain Stahlnecker) let them know their time was up. If Mr. Douglas continues to be loud and disruptive in his chapel service, he will be escorted out of the chapel area.

Do not type past this line

*Donna Stahl*  
Signature of Staff Member

Signature of Staff Member

Stuart Young

Signature of Supervisor (Print/Sign)

12-13-19  
Click here to enter a date.

Date:

Receiving Facility (if not processing facility)	Received at Processing Facility	Sent to Jumps <b>DEC 20 2019</b>
Date Stamp	Date Stamp	Date Stamp

OSP/MCCF GRIEVANCE OFFICE

Distribution:  
White (Original grievance response form)

CD117B (10/19)



~~03~~  
03

January 27, 2020

Dameion,

First, let me say, I couldn't have been written a letter by a nicer person that I have known as a casual acquaintance. I received your letter yesterday. When I saw the letter was from OSP I didn't recognize the name. A picture speaks a thousand words though and I would recognize you anywhere. I will commit your name to memory, certainly your last name shouldn't be too difficult!

There certainly is a misunderstanding, and I will do what I am able. IF anything, I was concerned that I was the one that was loud. I've always greeted you and those that meet next to our service with the utmost respect and consideration.

AS we share a room separated by a folding wall, I know our exuberance can be heard as well and I don't want to disrespect your time of meeting.

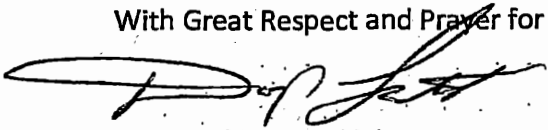
Chaplain Dennis is my direct supervisor over our service time and schedule, and when our Primary volunteer, Tommy Hoover, is not able to make the service, Tommy will ask me to fill-in.

IN reviewing my calendar, I was at OSP on October 18, 2019 and filling in for Tommy Hoover. I haven't ever had to ask you or your group to be quiet, in fact, as stated I make it my duty out of respect to greet and request your consideration if I am getting too loud. I don't recall anything out of the ordinary that day and I certainly didn't have to request you or your group to be quiet.

In consideration, there may have been an oversight or a misunderstanding by the Chaplain(s). If someone saw me entering the room, then it was from my typical routine when at OSP to meet and greet the group next door. I do know Chaplains are very supportive of our volunteers and programs.

Though our interaction is due to our association with the same service time you have always welcomed me and in my intrusion to say hi and greet you and the others.

With Great Respect and Prayer for a speedy resolution to the matter at hand,

  
Doug Lethin, DOC Volunteer

Official Use Only

Resubmit

## GRIEVANCE FORM

Name: Allen Joseph E 16202876 222 D B  
 Last First Initial SID# Cell/Block/Bunk #

Whom are you grieving: C/O Stewart

Please provide the date/time of incident giving rise to grievance: 4-10-20 / 4-17-20

List in detail all the reasons for your grievance. (What is the problem? When did it happen – date/time/place?) Attach copies of any documents or any material(s), which support your grievance, including the names of any persons you think should be questioned.

I'm grieving C/O Stewart for knowingly denying me the Access  
to Religious Materials. By requesting to open the N.O.I.  
Religious Material Storage Closet on 4/10/20 - 4/17/20 at Summer  
Prayer Service. It seems intentional due to the fact that  
it has been opening the Sunni Muslim Closet faithfully  
and our N.O.I. Closet is connected to the other closet.  
Even since our ninety day probation has been up we've  
been treated with restrictions that weren't sanctioned  
by the Admin. as far as I know.

Describe what action you want taken to resolve the grievance. (How can the problem be solved?)

Give us what we have coming.

4.23.20  
Date

Joseph Allen  
Signature

Receiving Facility (If not processing facility)
Date Stamp

Received at Processing Facility <b>RECEIVED</b> <b>APR 27 2020</b> OSP/MCCF GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC <b>DENIED</b> <b>APR 28 2020</b> OSP/MCCF GRIEVANCE OFFICE
Date Stamp

Accepted/Denied/RFC
Date Stamp

Exhibit 5



**Oregon Department of Corrections (ODOC)**  
**Oregon State Penitentiary**  
**Grievance - Denied**

**To:** Allen, Joseph Eugene  
**From:** Kidwell, A

**SID #:** 16202876  
**Date:** 04/28/2020

**Cell:** OSP:D-222B

**Re:** Non-Medical# OSP\_2020\_04\_090

The grievance you submitted is being returned to you due to non-compliance with the Department of Corrections (DOC) Rule #109 (Grievance Review System) for the following reason(s):

Your grievance has not demonstrated how it qualifies under 291-109-0210. You have not demonstrated misapplication of departmental policies, rules, or other directives, unprofessional actions of department employees, volunteers, or contractors, inadequate medical or mental health treatment, sexual abuse or sexual harassment or excessive use of force by department employees.

Per AIC newsletter the Chapel is closed due to Covid-19 protocol and communications regarding religious services should be sent to Chaplain Stahlnecker.

If you have any questions regarding your grievance, please refer to the Department of Corrections Administrative Rule "Grievance Review System" tab #109 located in the legal library or kyte your institution Grievance/Discrimination Complaint Coordinator.

Exhibit 6

**DECLARATION**  
(ORCP Rule 1E)I, Micues Ward, do declare that:

I am a practicing Sunni Muslim Inmate housed in O.S.P who attends the Days for Sunni (Friday) Jumma Congregational prayer Service every Friday. During every Jumma Service I have access to Sunni religious material that's stored in the Sunni Muslim religious material closet because it's wide open. The N.O.I religious material closet is next to the Sunni closet and has not been open during Jumma since the N.O.I Jumma prayer Service has been back operating from being cancelled for 90 days From Jan Through April. The N.O.I religious material closet used to be opened every Friday.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

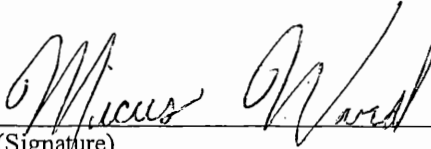
Dated this 19 day of August, 20 20.  
(Signature)Print Name: Micues Ward  
S.I.D. No. 20345287



Exhibit 7

**DECLARATION**  
(ORCP Rule 1E)I, Justin Steward, do declare that:

I have been attending the "NOT" Religious Service since approx 4-15-20  
Every Friday the NOT religious closet is closed, however the Sunni  
Muslim religious closet is wide open & is right next to the NOT  
closet. By chaplain Thompson ordering the chapel officer MR Foster  
not ~~open~~ to open the NOT closet is causing me not to grow spiritually  
because I cannot access the NOT religious materials that are in  
the NOT closet. Every Friday I do receive a copy of the honorable  
Louis Farrakhan's weekly sermon. However what I need is the NOT  
Bibles, religious instructions, Holy Quran, ect & the Thursday religious library  
is currently not open because of Covid.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY  
KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS  
EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 26<sup>th</sup> day of October, 2020.  
(Signature)Print Name: Justin Steward  
S.I.D. No. 21349571

## RELIGIOUS SERVICES ROSTER

PROGRAM: RELISVCS SECTION: NOI JUMMA

DAY: Fri

CYCLE: Every

CAPACITY: 50

DESCRIPTION: NOI JUMMA PRAYER

START TIME: 1:00 PM

END TIME: 3:00 PM

ENROLLED: 14

<input type="checkbox"/>	E333A	16202876 ALLEN, JOSEPH
<input type="checkbox"/>		[REDACTED]
<input type="checkbox"/>	C305B	16362422 BOYD, ROBERT
<input type="checkbox"/>	C170B	10957460 CARTER, ANTONIO
<input type="checkbox"/>	E432	10131429 DOUGLAS, DAMIEN
<input type="checkbox"/>	E551	14721651 HARRIS, QUENTIN
<input type="checkbox"/>	E288A	12614513 MOON, MEDERO
<input type="checkbox"/>	E436	18671280 ODOM, ALONZO
<input type="checkbox"/>	E427	17944017 RANKINS, DANA
<input type="checkbox"/>	C319B	21349571 STEWARD, JUSTIN
<input type="checkbox"/>		[REDACTED]
<input type="checkbox"/>		[REDACTED]
<input type="checkbox"/>	E575	18109515 WHITE, FRANKIE
<input type="checkbox"/>	C467A	16087527 WILLIAMS, IMANI

**DECLARATION OF SERVICE**  
(ORCP Rule 1E)

I, Joseph Eugene Allen, do declare that:

On todays date of April 1<sup>st</sup> 2022, I mailed the original Class  
Action " lawsuit with 35 summons to the following Court:

U.S. District Court Portland Division

1000 SW 3<sup>rd</sup> Portland, Oregon 97201

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY  
KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS  
EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 1<sup>st</sup> day of April, 2022

Joseph Eugene Allen  
(Signature)

Print Name: Joseph Eugene Allen  
S.I.D. No. 16202816